

# Committee Jurisdiction and Referral in the Senate

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The legislative jurisdictions of the Senate's standing committees are established in Senate Rule XXV. The committees vary in terms of jurisdictional breadth, with some responsible for a diverse array of issues and others focused more narrowly on related policies. All of the standing committees, because of their legislative jurisdiction, consider measures and issues and recommend legislation for consideration by the Senate. They also have oversight responsibility to monitor agencies, programs, and activities within their jurisdictions. In addition, the Senate has given some standing committees comprehensive oversight responsibility for issues that cut across committee jurisdictions.

Some of the Senate's non-standing committees also have legislative jurisdiction, while the others conduct studies and investigations. The legislative jurisdictions or other responsibilities of the non-standing committees are contained in the *Senate Manual*.

Senate Rule XXV generally identifies a dozen or more broad issues handled by each standing committee, although not all issues within a committee's purview are specified. Further, these jurisdictional descriptions do not explicitly identify each committee's jurisdiction over particular measures, or over (1) executive branch departments and agencies, (2) particular offices within these departments and agencies, or (3) programs operated by these departments and agencies. A committee's jurisdiction over an executive department or agency generally is implied by its jurisdiction over the issues it handles. See <http://www.crs.gov/products/guides/guidehome.shtml> for more information on legislative process.

## Criteria for Referral

A measure introduced in the Senate, or passed by the House and sent to the Senate, will likely be referred to a Senate committee. Measures are referred to Senate committees in accordance with their official jurisdictions in Senate Rule XXV, and precedents established by prior referrals. A series of formal agreements among committees over time also can supplement Rule XXV, and generally are regarded as setting precedent for future referrals. Ad hoc agreements may be made to govern the consideration of particular measures, but these are not binding on future referrals.

Referral of measures is formally the responsibility of the presiding officer of the Senate, but in practice the Senate parliamentarian advises on bill referrals. Under Senate Rule XVII, in general each measure is referred to a single committee based on "the subject matter which predominates" in the legislation. Predominance usually is determined by the extent to which a measure deals with a subject. However, there appear to be exceptions; most notably, a measure containing revenue provisions is likely to be referred to the Committee on Finance, even where the subject does not appear to predominate.

## Multiple Referrals

Most referral decisions are clear-cut. Contemporary issues, however, are often multi-dimensional, and it is not uncommon for comprehensive measures to cross jurisdictional boundaries.

Accordingly, Senate Rule XVII allows a measure to be referred to multiple committees for consideration. Two types of multiple referrals are allowed. A joint referral allows a measure to be referred to two or more committees for simultaneous consideration, while a sequential referral involves successive consideration by committees. A joint or sequential referral also may specify the part(s) of a measure to be considered by each committee (often referred to as a split referral).

The Senate typically makes multiple referrals by unanimous consent, after negotiations among interested parties. Committee and party leaders, other interested Senators, and the Senate parliamentarian frequently consult as to whether a measure should be multiply referred; the

Senate usually agrees to unanimous consent requests for multiple referrals because such arrangements have been worked out beforehand. A measure also may be multiply referred by joint motion of the majority and minority leaders (or their designees), but it appears that this joint motion has never been used. Measures multiply referred may be considered on the Senate floor when reported by all committees of referral, unless called up by unanimous consent. The Senate has employed multiple referral arrangements for consideration of important issues, but multiple referrals are relatively uncommon. The Senate's limited use of multiple referrals can be attributed to the variety of formal and informal opportunities for Senators to have an influence on measures regardless of the committee to which they are referred. These mechanisms include intercommittee consultation, reporting original bills (not referred), merging bills reported from separate committees on the floor, offering floor amendments, and participation in conference. Similarly, while there are procedures to challenge referral decisions of the presiding officer, Senators seldom challenge such decisions because of the variety of means of influencing legislation regardless of referral.

## **Alternatives to Committee Action**

Few measures are considered on the Senate floor without prior committee concurrence. However, there are a number of ways to handle legislation without formal approval by the committee of jurisdiction. One possibility is to bypass committee consideration of a measure entirely by placing it directly on the Senate calendar. If any Senator objects to its referral to committee, a measure may be placed on the Senate calendar (Senate Rule XIV, paragraph 4). Although rarely used, this procedure would allow floor action without formal consideration by the committee of jurisdiction. In other cases the Senate has created leadership or other task forces to handle major issues and problems, rather than rely exclusively on the committees of jurisdiction to consider related bills. In still other instances, Senators offer floor amendments consisting of the text of bills before committees, and there is no general requirement that these amendments be germane to the measure under consideration.

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